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**FEB 29 2008**

In re Application of  
TONKOVICH, et al.  
Application No. 10/822,839  
Filed: April 13, 2004  
Attorney Docket No. E1666ACIPCONDIV

: **OFFICE OF PETITIONS**  
:  
: **DECISION GRANTING PETITION**  
: **UNDER 37 CFR 1.313(c)(2)**  
:

This is a decision on the petition under 37 CFR 1.313(c)(2), filed February 22, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

*Petitioner is advised that the issue fee paid on January 23, 2008, using a Certificate of Mailing or Transmission under 37 CFR 1.8 dated January 19, 2008, in the above-identified application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>*

It is noted that petitioner requested that correspondence be sent to him at P.O. Box 29230, San Francisco, CA 94129-0230; however, a change of correspondence address was submitted on January 23, 2008 changing the address to customer number 29171. If appropriate, a new change of address should be filed in accordance with MPEP 601.03. While a courtesy copy of this decision is being mailed to Mr. Rosenberg at the address noted on the petition, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries relating to this decision should be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to Technology Center AU 1797 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions

cc: **FRANK ROSENBERG**  
**P.O. BOX 29230**  
**SAN FRANCISCO, CA 94129-0230**

<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.